

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

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|--------------------|---|----------------------------|
| LONNIE GENE RAGAN | § | |
| v. | § | CIVIL ACTION NO. 6:07cv228 |
| DIRECTOR, TDCJ-CID | § | |

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE
AND ENTERING FINAL JUDGMENT

The Petitioner Lonnie Ragan, proceeding *pro se*, filed this application for the writ of habeas corpus under 28 U.S.C. §2254 complaining of the legality of his conviction. This Court ordered that the case be referred to the United States Magistrate Judge pursuant to 28 U.S.C. §636(b)(1) and (3) and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to United States Magistrate Judges.

Ragan complained of a conviction which he received for failure to appear on October 31, 2005, for which he was sentenced to eight years in prison. He said that the sentence was unlawful because the charge for which he was originally on probation was dropped, and that he received ineffective assistance of counsel. The Magistrate Judge ordered the Respondent to answer Ragan's petition, and the Respondent filed a motion to dismiss asserting that the statute of limitations had expired on Ragan's claims. Ragan did not file a response to the motion.

After review of the pleadings, the Magistrate Judge issued a Report on February 21, 2008, recommending that the petition be dismissed with prejudice because of the expiration of the statute of limitations. The Magistrate Judge also recommended that a certificate of appealability be denied *sua sponte*.

A copy of the Magistrate Judge's Report was sent to Ragan at his last known address, return receipt requested, but no objections have been received; accordingly, he is barred from *de*

novo review by the district judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to proposed factual findings and legal conclusions accepted and adopted by the district court. Douglass v. United Services Automobile Association, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*).

The Court has reviewed the pleadings in this case and the Report of the Magistrate Judge. Upon such review, the Court has determined that the Report of the Magistrate Judge is correct. It is accordingly

ORDERED that the Report of the Magistrate Judge is ADOPTED as the opinion of the District Court. It is further

ORDERED that the above-styled application for the writ of habeas corpus be and hereby is DISMISSED with prejudice. It is further

ORDERED that the Petitioner Lonnie Ragan is hereby DENIED a certificate of appealability *sua sponte*. Finally, it is

ORDERED that any and all motions which may be pending in this action are hereby DENIED.

So ORDERED and SIGNED this 31st day of March, 2008.

A handwritten signature in black ink, appearing to read 'Leonard Davis', written over a horizontal line.

**LEONARD DAVIS
UNITED STATES DISTRICT JUDGE**